

**PERSONNEL**Personnel Protection from Sexual Harassment**A. Purpose**

To ensure conditions of nondiscrimination and the personal protection of personnel from sexual harassment in the school and work place environment.

**B. Objective and Intent**

1. It is the objective and intent of the school board that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, disability, religion, or any other legally protected characteristic shall **NOT** be tolerated.

2. Employees have the right, under Section 703 of Title VII on the Federal Civil Rights Act of 1964, to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in or who perpetuates or condones sexual harassment shall be subject to disciplinary action, including dismissal.

3. The school board, in recognizing its obligation to maintain a place of employment that is free of harassing, abusive, or disruptive conduct, shall take positive and prompt corrective action where necessary in accordance with this policy.

**C. Definitions**

1. Sexual harassment: Behavior that constitutes sexual harassment, as currently defined in guidelines published by the U.S. Equal Opportunity Commission (EEOC) includes sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when:

a. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment.

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b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual.

c. Such condition has the purpose or effect of unreasonably interfering with an individual's work performance or creating a intimidating, hostile, or offensive work environment.

2. Sexual Discrimination: The EEOC has determined that sexual harassment is a form of sexual discrimination.

3. Employee: An individual employed by the school board on a full-time, part-time, or temporary basis is considered to be an employee for the purpose of this policy.

D. Prohibited Conduct

1. Sexual harassment is a serious offense. It is a form of employee misconduct which undermines the integrity of the employment relationship. Sexual harassment does not refer to occasional non-sexual compliments. It refers to behavior of a sexual nature which is not welcome, is personally offensive, erodes morale and the respect between employees, and impairs employees' work effectiveness.

2. The following types of conduct are examples of sexual harassment and are prohibited. These examples do not necessarily represent all the ways in which sexual harassment may occur and are not intended to limit the definition of sexual harassment in Section C of this policy.

a. Verbal comments and gestures of a sexual nature. This includes any type of sexually suggestive remarks, pictures, jokes and catcalls.

b. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors.

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c. Explicit or implicit threats that an employee shall be adversely affected if sexual demands are rejected.

d. Unsolicited and repeated touching of any kind. This includes the touching, patting, or pinching of another person, and repeated brushing against another person's body.

E. Responsibilities

1. Employees

a. Employees have a responsibility to conduct themselves in a manner which ensures the proper performance of their job responsibilities and maintains the public's confidence.

b. Employees who experience sexual or other unlawful harassment should clearly state to the individual that his/her behavior is offensive to them and, upon its occurrence or repetition, should promptly bring the matter to the appropriate supervisor's attention.

2. Administrative Staff

a. All administrative and supervisory staff have a responsibility to act immediately and take corrective action when they observe behavior that violates this policy. All administrative and supervisory staff must realize the seriousness and sensitive nature of any sexual harassment complaint brought to their attention, and must respond accordingly.

b. Administrative and supervisory staff who become aware of possible sexual or other unlawful harassment shall promptly advise their immediate supervisor who shall immediately contact the Assistant Superintendent for Administration and Personnel who shall investigate the matter in a timely and confidential manner.

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c. Any administrative or supervisory staff member who allows sexual harassment to continue or fails to take appropriate corrective action, as specified in this policy, shall be considered a party to the act of behavior, even though they themselves did not behave in such a manner. Lack of prompt, appropriate corrective action by any administrator or supervisor shall be grounds for disciplinary action, including dismissal.

d. Administrative and supervisory staff have a responsibility to ensure that this policy is circulated among all of the employees under their supervision and to convey consistently school board policy that sexual harassment in the work place is illegal and will not be tolerated.

3. The Department of Human Resources has the responsibility to provide guidance to the administrative and supervisory staff and to facilitate counseling, referrals and assistance to employees with complaints of sexual harassment.

**F. Complaint Process**

1. Sexual harassment is a work related problem. While avenues of redress are available through the EEOC, effective relief is also available within the division under regulation #R5-3.1. Employees are encouraged to use this school division procedure to resolve any sexual harassment difficulties.

2. If the employee is alleging that their immediate supervisor is the person conducting or condoning the harassing behavior, the employee shall discuss the matter directly with the Assistant Superintendent for Administration and Personnel.

**3. Step One in the Complaint Process**

a. It is the responsibility of any employee who experiences sexual or other unlawful harassment to bring the harassment to the attention of the Assistant Superintendent for Administration and

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Personnel within ten (10) working days of the incident.

b. Individual preference may lead some employees who experience sexually harassing conduct to seek to resolve the problem by dealing directly with the offending individual. However, when such conduct is not reported, the school division is severely limited in achieving a work place free of sexual or other unlawful harassment. Employees are **NOT** required to deal directly with an offending individual in seeking resolution of a complaint of sexual harassment.

4. Step Two in the Complaint Process

a. Within five (5) working days of receipt of an oral complaint, the Assistant Superintendent for Administration and Personnel or his/her appointed designee, shall meet separately with the complainant and the alleged harasser, and then together, if appropriate. If necessary, the Assistant Superintendent, or his/her appointed designee, shall also meet with all other persons having any information on the matter.

b. The Assistant Superintendent, or his/her appointed designee, shall determine all facts relevant to the alleged misconduct and any relief sought by the complainant.

c. The Assistant Superintendent, or his/her appointed designee, shall give his/her response to the complainant by the conclusion of ten (10) working days.

d. If additional time is needed, the complainant shall be so advised and the response shall be provided by the end of the extension which shall not exceed five (5) working days.

5. Step Three in the Complaint Process

If a satisfactory solution is not reached by this process, the employee may put the complaint in writing

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and shall follow all steps and deadlines in the school division's grievance procedure.

**G. Nature and Scope of Investigation**

1. Any investigation of a complaint of sexual or other unlawful harassment shall be limited to an inquiry of the truth or falsity of such specific complaint.

2. Any person conducting an investigation shall conduct a fair, prompt, complete, and thorough investigation within the bounds of reason and propriety. Interviews of all relevant witnesses shall be conducted, in confidence, and summaries of witnesses' statements and the investigator's findings and recommendations shall be in writing.

**H. Confidentiality**

1. Any complaint shall be handled in a confidential manner. Every effort shall be made, by all parties involved, to protect the confidentiality and privacy of all information and documents pertaining to a claim.

2. Persons conducting investigations shall not communicate the fact that an investigation is pending nor shall they communicate the contents or findings of such investigation except to appropriate parties.

3. Persons from whom information is being sought within the course and scope of the investigation shall only be informed that a harassment complaint has been brought and that the information sought of such persons is a necessary part of the investigation.

4. Breach of confidentiality may result in disciplinary action, including dismissal.

5. The written contents and findings of investigations shall be maintained by the investigating party in a place of security. Once the investigation is completed, all information shall be maintained in a

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separate file from the official personnel file in the Department of Human Resources. If a formal disciplinary action is taken, that document shall be filed in the official personnel file. Such records may be made available to any court or federal agency having jurisdiction over sexual harassment complaints.

**I. Frivolous and Groundless Complaints**

1. The school board's commitment to eliminate sexual harassment and other forms of unlawful harassment from the work place does not grant license for employees to engage in unfounded, frivolous, or vindictive actions in violation of the intent of this policy.

2. Where the results of an investigation reveal that a written complaint of sexual or other unlawful harassment is wholly frivolous or groundless, the employee having made such complaint may be subject to disciplinary action, including dismissal.

**J. Policy Against Retaliation**

Reprisal or retaliation is strictly prohibited. This includes both direct retaliation or reprisal, or the encouragement of others to engage in retaliation or reprisal against any person who:

1. Opposes any conduct prohibited by this policy;
2. Complies or encourages others to comply with any provision of this policy;
3. Files a complaint concerning any violation of this policy;
4. Testifies, assists, or participates in any investigation or hearing resulting from a complaint under this policy; and,
5. Exercises or attempts to exercise any right conferred under this policy.

**K. Disciplinary Action**

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Any employee found to have engaged in sexual or other unlawful harassment, who is found to have knowingly condoned, encouraged, or perpetuated an act or acts of sexual or other unlawful harassment, or who is found to have in some way participated in retaliation or reprisal, shall be subject to disciplinary action, including, but not limited to, suspension, loss of salary increment, demotion, and dismissal.



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See also school board policy #5-3 and division regulation #R5-3.1.

Legal Reference: Through June 30, 1997

Title VII, Civil Rights Act of 1964 as amended.

Code of Federal Regulations. Title 29, Chapter XIV,  
Section 1604.11, Sexual harassment. (1980)

Katz v. U.S. Department of Transportation, 4th Circuit Court of Appeals (June 2, 1983). Court ruled that it is not sufficient for either the government or private employers to merely have an official policy against sexual harassment; the policy must be actively enforced in the work environment.

Adopted by School Board: June 9, 1992  
Amended by School Board: August 26, 1997